

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE PLUMBERS LOCAL	:	
UNION NO. 1 WELFARE FUND, TRADE	:	
EDUCATION FUND, 401(K) SAVINGS PLAN,	:	ORDER ADOPTING REPORT
TRUSTEES OF THE UNITED ASSOCIATION	:	AND RECOMMENDATION
NATIONAL PENSION FUND, AND	:	
TRUSTEES OF THE INTERNATIONAL	:	24-CV-986 (AMD) (RML)
TRAINING FUND,	:	
	:	
Plaintiffs,	:	
	:	
– against –	:	
	:	
RECINE & SONS PLUMBING & HEATING,	:	
INC. AND ANGELO RECINE, <i>individually,</i>	:	
	:	
Defendants.	:	
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ANN M. DONNELLY, United States District Judge:

The plaintiffs brought this action against the defendants, asserting claims under section 515 of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, 29 U.S.C. § 1145, and section 301 of the Labor Management Relations Act of 1947 (“LMRA”), 29 U.S.C. § 185. The plaintiffs seek to collect delinquent employer contributions to an employment benefit fund and enforce other obligations under a series of collective bargaining agreements. (ECF No. 1.)

The plaintiffs filed a complaint on February 8, 2024 (ECF No. 1), and served the defendants — Recine & Sons Plumbing and Heating, Inc., and Angelo Recine — on February 13 and February 15, 2024, respectively (ECF Nos. 5 & 7). The defendants did not appear or answer the complaint, and the Clerk of Court filed an entry of default on April 3, 2024. (ECF No. 9.) Magistrate Judge Robert M. Levy extended the deadline for the plaintiffs to file a motion for

default judgment against the defendants to June 14, 2024. (*ECF Order dated May 10, 2024.*)

On June 14, 2024, the plaintiffs filed the motion. (ECF No. 11.) The Court referred the motion to Judge Levy on June 17, 2024. (*ECF Order dated June 17, 2024.*)

On January 27, 2025, Judge Levy issued a comprehensive Report and Recommendation, recommending that the Court grant the plaintiffs' motion. (ECF No. 17.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have carefully reviewed Judge Levy's thorough and well-reasoned Report and Recommendation and find no error. Accordingly, I adopt the Report and Recommendation in its entirety and order that the plaintiffs' motion for default judgment is granted.

Additionally, I adopt Judge Levy's damages recommendation. As detailed in Judge Levy's Report and Recommendation, the defendants are ordered to pay the following damages: To the Local 1 Funds, \$86,482.29, representing delinquent contributions of \$58,296.84 for April through December 2023; liquidated damages on delinquent contributions totaling \$11,659.37; \$900 in administrative fees; accrued and unpaid late payment interest of \$371.52; and accrued and unpaid liquidated damages of \$15,254.56; the Local 1 Funds is further entitled to receive interest on the delinquent contributions at the rate of 10% per annum through the date of this order, plus mandatory post-judgment interest at the statutory rate. To the National Funds,

\$12,935.52, representing \$11,731.20 in unpaid contributions and \$1,204.32 in liquidated damages; the National Funds is further entitled to receive interest on the delinquent contributions at the rate of 12% per annum through the date of this order, plus mandatory post-judgment interest at the statutory rate. Finally, the plaintiffs are awarded \$5,207 in attorney's fees and \$578.73 in costs.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
February 13, 2025